101-595

Public Law 101-595
101st Congress

An Act

To authorize appropriations for fiscal year 1991 for the Federal Maritime Commission, and for other purposes.

Nov. 16, 1990
[H.R. 4009]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Federal Maritime Commission Authorization Act of 1990.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Maritime Commission Authorization Act of 1990".

TITLE I—FEDERAL MARITIME COMMISSION AUTHORIZATION FOR FISCAL YEAR 1991

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

In fiscal year 1991, $15,894,000 is authorized to be appropriated for the use of the Federal Maritime Commission; except that for fiscal year 1991, and for each fiscal year thereafter, not to exceed $2,000 may be expended for official reception and representation expenses.

SEC. 102. ADVISORY COMMISSION ON CONFERENCES IN OCEAN SHIPPING.

Subsection (h) of section 18 of the Shipping Act of 1984 (46 App. U.S.C. 1717) is amended by inserting "Advisory" immediately before "Commission shall", and by striking "its establishment" and inserting in lieu thereof "all of its members have been duly appointed".

SEC. 103. POWERS OF COMMISSION.

Section 19 of the Merchant Marine Act, 1920 (46 App. U.S.C. 876) is amended—

(1) in subdivision (b) of paragraph (1) by inserting "including intermodal movements, terminal operations, cargo solicitation, forwarding and agency services, non-vessel-operating common carrier operations, and other activities and services integral to transportation sysetms," immediately after "generally,"; and

(2) by adding at the end the following new paragraphs:

"(5) The Commission may initiate a rule or regulation under paragraph (1)(b) of this section either on its own motion or pursuant to a petition. Any person, including a common carrier, tramp operator, bulk operator, shipper, shippers' association, ocean freight forwarder, marine terminal operator, or any component of the Government of the United States, may file a petition for relief under paragraph (1)(b) of this section.

"(6) In furtherance of the purposes of paragraph (1)(b) of this section—

"(a) the Commission may, by order, require any person (including any common carrier, tramp operator, bulk operator, shipper, shippers' association, ocean freight forwarder, or marine terminal operator, or an officer, receiver, trustee, lessee, agent, or employee thereof) to file with the Commission a

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report, answers to questions, documentary material, or other information which the Commission considers necessary or appropriate;

"(b) the Commission may require a report or answers to questions to be made under oath;

"(c) the Commission may prescribe the form and the time for response to a report and answers to questions; and

"(d) a person who fails to file a report, answer, documentary material, or other information required under this paragraph shall be liable to the United States Government for a civil penalty of not more than $5,000 for each day that the information is not provided.

"(7) In proceedings under paragraph (1)(b) of this section—

"(a) the Commission may authorize a party to use depositions, written interrogatories, and discovery procedures that, to the extent practicable, are in conformity with the rules applicable in civil proceedings in the district courts of the United States;

"(b) the Commission may by subpoena compel the attendance of witnesses and the production of books, papers, documents, and other evidence;

"(c) subject to funds being provided by appropriations Acts, witnesses are, unless otherwise prohibited by law, entitled to the same fees and mileage as in the courts of the United States;

"(d) for failure to supply information ordered to be produced or compelled by subpoena in proceedings under paragraph (1)(b)(7) of this section, the Commission may—

"(i) after notice and an opportunity for hearing, suspend tariffs of a common carrier or that common carrier's right to use the tariffs of conferences of which it is a member, or

"(ii) assess a civil penalty of not more than $5,000 for each day that the information is not provided; and

"(e) when a person violates an order of the Commission or fails to comply with a subpoena, the Commission may seek enforcement by a United States district court having jurisdiction over the parties, and if, after hearing, the court determines that the order was regularly made and duly issued, it shall enforce the order by an appropriate injunction or other process, mandatory or otherwise.

"(8) Notwithstanding any other law, the Commission may refuse to disclose to the public a response or other information provided under the terms of this section.

"(9) If the Commission finds that conditions that are unfavorable to shipping under paragraph (1)(b) of this section exist, the Commission may—

"(a) limit sailings to and from United States ports or the amount or type of cargo carried;

"(b) suspend, in whole or in part, tariffs filed with the Commission for carriage to or from United States ports, including a common carrier's right to use tariffs of conferences in United States trades of which it is a member for any period the Commission specifies;

"(c) suspend, in whole or in part, an ocean common carrier's right to operate under an agreement filed with the Commission, including any agreement authorizing preferential treatment at terminals, preferential terminal leases, space chartering, or pooling of cargoes or revenue with other ocean common carriers;

"(d) impose a fee, not to exceed $1,000,000 per voyage; or

"(e) take any other action the Commission finds necessary and appropriate to adjust or meet any condition unfavorable to shipping in the foreign trade of the United States.

"(10) Upon request by the Commission—

"(a) the collector of customs at the port or place of destination in the United States shall refuse the clearance required by section 4197 of the Revised Statutes (46 App. U.S.C. 91) to a vessel of a country that is named in a rule or regulation issued by the Commission under paragraph (1)(b) of this section, and shall collect any fees imposed by the Commission under paragraph (9)(d) of this section: and

"(b) the Secretary of the department in which the Coast Guard is operating shall deny entry for purpose of oceanborne trade, of a vessel of a country that is named in a rule or regulation issued by the Commission under paragraph (1)(b) of this section, to any port or place in the United States or the navigable waters of the United States, or shall detain that vessel at the port or place in the United States from which it is about to depart for another port or place in the United States.

"(11) A common carrier that accepts or handles cargo for carriage under a tariff that has been suspended under paragraph (7)(d) or (9)(b) of this section, or after its right to use another tariff has been suspended under those paragraphs, is subject to a civil penalty of not more than $50,000 for each day that it is found to be operating under a suspended tariff.

"(12) The Commission may consult with, seek the cooperation of, or make recommendations to other appropriate Government agencies prior to taking any action under this section.".

TITLE II—DOCUMENTATION OF VESSELS

SEC. 201. WAIVERS FOR CERTAIN VESSELS.

(a) IN GENERAL.—Notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Secretary of Transportation may issue a certificate of documentation for the following vessels:

(1) AMERICAN EAGLE (United States official number 523873).

(2) ANGELOS (hull identification number HAZ1432C0173 and State of Hawaii registration number HA1432C).

(3) ARCTIC SOUNDER (United States official number 569927).

(4) BIG DEAL (North Carolina registration number 8817BD).

(5) BOUNTY (United States official number 950956).

(6) CAMELOT (United States official number 923202).

(7) CHEROKEE V (United States official number 570746).

(8) CONQUEROR (United States official number 552790).

(9) ERNESTINA (United States official number 136423).

(10) ESPERANCE (United States official number 691732).

(11) FLORA VEE (United States official number 526631).

(12) GHOSTRIDER (United States official number 906121).

(13) HE' ENALU (State of Hawaii registration number HA842CP).

(14) HELL'S-A-POPPIN (United States official number 963543).
(15) HIPPOCAMPUS (United States official number 560934).
(16) IMPULSE (United States official number 693209).
(17) JOB SITE (United States official number 595013).
(18) KAINALU (State of Hawaii registration number HA779CP).
(19) LADY ROSE ANNE (United States official number 603040).
(20) MARINER III (United States official number 225459).
(21) OCEAN PROWLER (United States official number 632751).
(22) OH BABY AT LAST (United States official number 938936).
(23) OPEN RETURN (United States official number 658669).
(24) PACIFIC PEARL (hull identification number MRY10161M76H414).
(25) PAULA SUE (State of Maryland registration number MD7449K).
(26) PLAYPEN (United States official number 617198).
(27) PUMPKIN (United States official number 627259).
(28) RANGGA (United States official number 675379).
(29) ROSE (United States official number 928811).
(30) ROUGH POINT (United States official number 917958).
(31) SALISA M (United States official number 265653).
(32) SEA DEVIL (United States official number 569316).
(33) SEAGULL (United States official number 958929).
(34) SEA NUGGET (State of Alaska retgistration number AK2233E).
(35) SEA WIND (United States official number 610694).
(36) SINBAD (ex-SANGRIA) (State of Alaska registration number AK3650 and hull identification number 15846).
(37) SOLITAIRE (United States official number 521894).
(38) SWEE'PEA (State of Alaska registration number AK8550L and hull identification number PBL32012K990).
(39) SYRINGA (hull identification number 363412; United States Customs number 84-129170-6).
(40) WEATHERBIRD (United States official number 527918).
(41) WEATHERBIRD II (ex-AUNT BEE) (United States official number 652213).
(42) Eight inflatable vesseis identified as follows:
(A) Serial number 3968B, model number J990.
(B) Serial number 4581B, model number J990.
(C) Serial number A501A, model number D989.
(D) Serial number A502A, model number D989.
(E) Serial number 6291C, model number G091.
(F) Serial number 6300C, model number G091.
(G) Serial number 7302C, model number G091.
(H) Serial number 7305C, model number G091.
(43) Submersible vessel PC 1805.

(b) WAIVER FOR CAPT. DARYL.—Notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Secretary of Transportation may issue a certificate of documentation for the vessel CAPT. DARYL (United States official number 643920), to acquire, purchase, process, and transport fish and fish products in the fisheries of the United States; except that the vessel shall not be

permitted (1) to regularly carry goods, supplies, or equipment in support of exploration, exploitation, or production of offshore mineral or energy resources on the outer Continental Shelf of the United States or (2) to engage in the transportation of fishery related products for hire in the Aleutian trade as defined in section 2102(b) of title 46, United States Code (as amended by section 602(a) of title VI of this Act), unless the vessel also complies with all the requirements of section 4502 (a), (b), (c), and (f), section 5102(b)(5), section 8104(n), and section 8702(b) of title 46, United States Code (as amended by sections 602 (b), (c), (d), and (e) of title VI of this Act).

SEC. 202. TREATMENT OF CERTAIN VESSELS.

Notwithstanding the provisions of paragraph (a)(4) of section 12102 of title 46, United States Code, and the first proviso of section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), a vessel of less than five hundred gross tons that was sold to and operated by a nonprofit corporation organized under United States law, the majority of whose directors are United States citizens, for use by that corporation exclusively as an oceanographic research vessel, shall be deemed to be owned by a citizen of the United States for documentation purposes, and has not been "sold foreign" unless the vessel has been placed under the registry of a nation other than the United States during the period of ownership by that corporation.

SEC. 203. SMALL PASSENGER VESSEL INSPECTION.

(A) CONSTRUCTION TONNAGE OF S/V ZODIAC.—The S/V ZODIAC (United States official number 223755) shall be deemed to be less than one hundred gross tons and, in applying the regulations relating to the inspection of passenger vessels, the Secretary of the department in which the Coast Guard is operating shall inspect that vessel under regulations applying to vessels of that weight.

(b) SUBCHAPTER T INSPECTION.—Notwithstanding any other provision of law, the Secretary of the department in which the Coast Guard is operating shall inspect the ZODIAC (United States official number 223755) under subchapter T of title 46, Code of Federal Regulations. Any certification issued by the Secretary under subchapter T for the ZODIAC shall permit that vessel to carry not more than forty-nine passengers on lakes, bays, and sounds service.

TITLE III—COAST GUARD OMNIBUS ACT OF 1990

Coast Guard Omnibus Act of 1990.

SEC. 301. SHORT TITLE.

This title may be cited as the "Coast Guard Omnibus Act of 1990".

SEC. 302. DESIGNATION OF THE SIDNEY LANIER BRIDGE AS AN OBSTRUCTION TO NAVIGATION.

Notwithstanding another law, the Sidney Lanier Bridge at mile 6.3 on the Brunswick River in Georgia is deemed an unreasonable obstruction to navigation, and the Federal Government share of the cost of altering the Sidney Lanier Bridge shall not exceed 50 percent of such costs.

SEC. 303. EXEMPTION OF CERTAIN VESSELS USED AS MEMORIALS TO MERCHANT MARINERS FROM PASSENGER SHIP INSPECTION REQUIREMENTS.

(a) Section 3302 of title 46, United States Code, is amended by adding the following new subsection:

"(l)(1) The Secretary may issue a permit exempting the following vessels from the requirements of this part for passenger vessels so long as the vessels are owned by nonprofit organizations and operated as nonprofit memorials to merchant mariners:

"(A) The steamship John W. Brown (United States official number 242209), owned by Project Liberty Ship Baltimore, Incorporated, located in Baltimore, Maryland.

"(B) The steamship Lane Victory (United States official number 248094), owned by the United States Merchant Marine Veterans of World War II, located in San Pedro, California.

"(C) The steamship Jeremiah O'Brien (United States official number 243622), owned by the United States Maritime Administration.

"(2) The Secretary may issue a permit for a specific voyage or for not more than one year. The Secretary may impose specific requirements about the number of passengers to be carried, manning, the areas or specific routes over which the vessel may operate, or other similar matters.

"(3) A designated Coast Guard official who has reason to believe that a vessel operating under this subsection is in a condition or is operated in a manner that creates an immediate threat to life or the environment or is operated in a manner that is inconsistent with this section, may direct the master or individual in charge to take immediate and reasonable steps to safeguard life and the environment, including directing the vessel to a port or other refuge.".

SEC. 304. BIENNIAL DESIGNATION OF MEMBERS OF THE COAST GUARD ACADEMY CONGRESSIONAL BOARD OF VISITORS.

Section 194 of title 14, United States Code, is amended to read as follows:

"(a) In addition to the Advisory Committee, a Board of Visitors to the Academy is established to visit the Academy annually and to make recommendations on the operation of the Academy.

"(b) The Board shall be composed of—

"(1) two Senators designated by the Chairman of the Committee on Commerce, Science, and Transportation of the Senate;

"(2) three Members of the House of Representatives designated by the Chairman of the Committee on Merchant Marine and Fisheries of the House of Representatives;

"(3) one Senator designated by the President of the Senate;

"(4) two Members of the House of Representatives designated by the Speaker of the House of Representatives; and

"(5) the Chairman of the Committee on Commerce, Science, and Transportation of the Senate and the Chairman of the Committee on Merchant Marine and Fisheries of the House of Representatives, as ex officio Members.

"(c) When a Member is unable to attend the annual meeting another Member may be designated as provided under subsection (b).

"(d) When an ex officio Member is unable to attend the annual meeting that Member may designate another Member.

"(e) Members of the Board shall be designated in the First Session and serve for the duration of the Congress.

"(f) The Board shall visit the Academy annually on the date chosen by the Secretary. Each Member of the Board shall be reimbursed, to the extent permitted by law, by the Coast Guard for

actual expenses incurred while engaged in duties as a Member of the Board.".

SEC. 305. SIMPLIFIED MEASUREMENT OF CERTAIN BARGES.

Section 14301(b) of title 46, United States Code, is amended by adding the following:

"(6) a barge (except a barge engaged on a foreign voyage) unless the owner requests.".

SEC. 306. COAST GUARD BONDING REQUIREMENT.

(a) IN GENERAL.—Chapter 17 of title 14, United States Code, is amended by adding at the end the following new section:

"§ 667. Vessel construction bonding requirements

"The Secretary or the Commandant may require bid, payment, performance, payment and performance, or completion bonds or other financial instruments from contractors for construction, alteration, repair, or maintenance of Coast Guard vessels if—

"(1) the bond is required by law; or

"(2) the Secretary or Commandant determines after investigation that the amount of the bond in excess of 20 percent of the value of the base contract quantity excluding options, would not prevent a responsible bidder or offeror from competing for award of the contract.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 17 of title 14, United States Code, is amended by inserting after the item relating to section 666 the following:

"667. Vessel construction bonding requirements.".

SEC. 307. EXEMPTION FOR DREDGES FROM FEDERAL PILOTAGE REQUIREMENT.

Section 8502 of title 46, United States Code, is amended—

(1) in subsection (a) by striking "subsection (g)" and inserting in lieu thereof "subsections (g) and (i)"; and

(2) by adding at the end the following new subsection:

"(i)(1) Except as provided in paragraph (2), a dredge to which this section would otherwise apply is exempt from the requirements of this section.

"(2) If the Secretary determines, after notice and comment, that the exemption under paragraph (1) creates a hazard to navigational safety in a specified area, the Secretary may require that a dredge exempted by paragraph (1) which is operating in that area shall comply with this section.".

SEC. 308. HEMPSTEAD, NEW YORK TRANSFER.

Notwithstanding another law, the Secretary of Transportation shall transfer by quitclaim, without consideration, to the Town of Hempstead, Nassau County, New York, all rights, title, and interest of the United States in Coast Guard property and improvements located at Reynolds Channel, Atlantic Beach, New York. The Secretary shall require the property to be surveyed before it is transferred and the transferee shall pay for that survey and all conveyance costs.

SEC. 309. SOUTH HAVEN, MICHIGAN TRANSFER.

(a) Notwithstanding another law, the Secretary of Transportation shall transfer without consideration to the City of South Haven,

Michigan, all rights, title, and interest of the United States in Coast Guard property described in subsection (b). The transferee shall pay for all conveyance costs.

(b) The property is part of block 52 in the original Village (now City) of South Haven, Van Buren County, Michigan, described as, beginning at a point found by commencing at the North quarter post of section 10. Town 1 South, range 17 West, Van Buren County, Michigan; thence with bearings referenced to the Corps of Engineers Harbor Line Survey of 1941. South 89 degrees 34′ 36″ West along the North line of the section, 2386.95 feet; thence South 00 degrees 25′ 24″ East at right angles to said section line. 450.64 feet to the place of beginning of this description, said place of beginning being 825.50 feet South 81 degrees 52′ 10″ West of the East terminus of the Black River Channel entrance; thence South 10 degrees 38′ 30″ East, 147.00 feet; thence South 81 degrees 52′ 10″ West, 131.47 feet; thence North 07 degrees 43′ 50″ West 146.85 feet; thence North 81 degrees 52′ 10″ East, 124.00 feet to the place of beginning of this description, as per a survey made July 11, 1925, by T.A. Smith, Van Buren County Surveyor, subject to existing easements and restrictions of record.

T.A. Smith.

SEC. 310. MUSKEGON, MICHIGAN TRANSFER.

(a) Notwithstanding another law, the Secretary of Transportation shall transfer without consideration to the Secretary of Commerce all rights, title, and interest of the United States in Coast Guard property and improvements described as follows: Part of Block 739 of Revised Plat of City of Muskegon of part of section 28, Town 10 North, Range 17 West, City of Muskegon, Muskegon County, Michigan described as beginning at a point distant South 48 degrees 15 minutes 56 seconds East 414.13 feet from Corps of Engineers Disc Guard 2 and distant North 35 degrees 59 minutes 49 seconds West 225.70 feet from Corps of Engineers Monument MUS 34 and distant South 85 degrees 51 minutes 27 seconds West 727.32 feet from the Northwest corner of Block 757 of the Revised Plat of City of Muskegon and proceeding thence North 28 degrees 38 minutes 52 seconds West 230.13 feet; thence South 61 degrees 14 minutes 26 seconds West 14.96 feet; thence North 28 degrees 24 minutes West 128.23 feet; thence South 61 degrees 14 minutes 00 seconds West 150 feet, more or less, to the shore of Lake Michigan; thence Southeasterly 358 feet, more or less, along the shore of Lake Michigan to the intersection with the line bearing South 61 degrees 14 minutes 26 seconds West from the point of beginning; thence North 61 degrees 14 minutes 26 seconds East 163 feet, more or less, to the point of beginning.

(b) The Secretary of Commerce shall make the property transferred under this section available to the National Oceanic and Atmospheric Administration.

SEC. 311. STRATEGIC PLAN FOR INFORMATION RESOURCES MANAGEMENT.

(a) None of the funds authorized to be appropriated for use by the Coast Guard in Fiscal Year 1992 may be expended to acquire additional information resources, including information equipment, until the Commandant of the Coast Guard develops and implements a strategic information resources plan to identify long-term information priorities and link the Coast Guard's missions, priorities, and organizational strategies to Coast Guard information resources.

(b) The Commandant shall submit to the Committee on Commerce, Science, and Transportation in the Senate and to the Committee on Merchant Marine and Fisheries in the House of Representatives quarterly reports during Fiscal Year 1991 concerning the progress toward completion of the strategic information resources plan, and specifically listing any expenditures or obligations made to acquire information resources. Reports.

(c) Section 663 of title 14, United States Code, is amended in the first sentence, by striking "and Shore Facilities Plan." and inserting "Shore Facilities Plan, and Information Resources Management Plan.".

SEC. 312. BOATING SAFETY PROGRAM.

Chapter 131 of title 46, United States Code, is amended—

(a) in section 13101(b)(2) by striking "and with the guidelines developed under that Act; and" and inserting "the Federal Aid in Sport Fish Restoration Act of 1950 (16 U.S.C. 777-777k), and with the guidelines developed under those Acts; and";

(b) in section 13102—

(1) in subsection (a)(3) by inserting "State" after the word "general";

(2) in subsection (c)(4) by inserting "or drugs" after the word "alcohol"; and

(3) in subsection (d) by striking "the proportional share" and inserting "a proportionate share";

(c) in sections 13103(a)(3) and 13105(a) by striking "or obligated" each time it appears; and

(d) in section 13108(a)(1) to read as follows: "During the second quarter of a fiscal year and on the basis of computations made under section 13105 of this title and submitted by the States for the proceeding fiscal year, the Secertary shall determine the percentage of the amounts available to which each eligible State is entitled for the next fiscal year.".

SEC. 313. DARE COUNTY, NORTH CAROLINA TRANSFER.

Notwithstanding another law, the Secretary of Transportation shall transfer without consideration by quitclaim deed to Dare County, North Carolina, all rights, title, and interest of the United States in Coast Guard property and improvements located on the northern end of Pea Island east side of State road 1257, 0.3 miles north of North Carolina Highway 12 in Rodanthe, Dare County, North Carolina. The Secretary shall require the property to be surveyed before it is transferred.

SEC. 314. BAYOU LAFOURCHE, LOUISIANA. 33 USC 59e note.

Bayou Lafourche, in the State of Louisiana, between the Percy Brown Road (Hwy 648), city of Thibodaux, parish of Lafourche, and the Southern Pacific Railroad bridge crossing the bayou, city of Thibodaux, parish of Lafourche, is declared to be navigable waterway of the United States under chapter 11 of title 33, United States Code.

SEC. 315. RELEASE OF RESTRICTIONS.

(a) IN GENERAL.—Subject to subsection (b), the United States hereby releases, without monetary consideration, all restrictions, conditions, and limitations on the use, encumbrance, or conveyance of the property described in subsection (c), to the extent such

restrictions, conditions, and limitations are enforceable by the United States.

National defense.

(b) LIMITATION.—Notwithstanding subsection (a), the United States shall have the right of access to, and use of, the property described in subsection (c) for national defense purposes in time of war or national emergency.

Louisiana.

(c) PROPERTY DESCRIBED.—The property referred to in subsections (a) and (b) consist of the following parcels of lands and improvements thereto located in Calcasieu Parish, Louisiana:

(1) A parcel commonly known as the Calcasieu Women's Shelter, consisting of 3 contiguous tracts described as follows:

Tract A—Commencing at a point N 45°28'31" E 198.3 feet from point A; thence S 44°29'9" E 169.3 feet; thence S 45°28'31" W 75 feet; thence N 44°29'9" W 169.3 feet; thence N 45°28'31" E 75 feet to the point of commencement.

Tract B—Commencing at a point N 45°28'31" E 198.3 feet from point A; thence S 44°29'9" E 220 feet; thence N 45°28'31" E 50 feet; thence N 44°29'9" W 220 feet; thence S 45°28'31" E 50 feet to the point of commencement.

Tract C—Commencing at a point N 45°28'31" E 248.3 feet from point A; thence S 44°29'9" E 220 feet; thence N 45°28'31" E 50 feet; thence N 44°29'9" W 220 feet; thence S 45°28'31" E 50 feet to the point of commencement.

(2) A parcel, consisting of a tract of land containing 33.351 acres, more or less, in section 11, township 10 south, range 8 west, and described as follows:

Commencing at a point N 0°22'09" W 88.18 feet from the northeast corner of the southeast quarter of section 10, T 10 S—R 8 W; said point being point D of plat of survey entitled "Boundary Agreement of CAFB" dated August 7, 1973, and recorded in plat book 23, page 20 records of Calcasieu Parish, Louisiana: thence N 0°22'09" W 183.6 feet; thence S 79°45'09" E 226.33 feet to the point of commencement: thence S 79°45'09" E 1843.02, thence N 11°36'26" E 965.89 feet, thence N 80°30'11" W 1196.35 feet, thence S 45°25'51" W 1162.28 feet to the point of commencement.

(d) MINERAL RESOURCES.—Nothing in this section shall affect the disposition or ownership of oil, gas, or other mineral resources associated with property described in subsection (c).

Alaska.

SEC. 316. COLD WATER SURVIVAL TRAINING CENTER.

In addition to any sums authorized to be appropriated for the Coast Guard for fiscal year 1992, $6,000,000 is authorized to be appropriated for fiscal year 1992 and transferred to the University of Alaska to establish a Cold War Survival Training Center in Kenai, Alaska.

46 USC 8103 note.

SEC. 317. FISHING VESSELS IN CALIFORNIA.

(a) DEFINITION.—For purposes of the application of sections 8103(a), 12102, 12110, and 12111 of title 46, United States Code, to a fishing vessel operating in waters subject to the jurisdiction of the United States off the coast of the State of California, the term "citizen of the United States" includes an alien lawfully admitted to the United States for permanent residence.

(b) TERMINATION.—This section shall terminate on October 1, 2000.

33 USC 59aa.

SEC. 318. NONNAVIGABILITY OF WISCONSIN RIVER.

The portion of the Wisconsin River above the hydroelectric dam at Prairie du Sac, Wisconsin, is hereby declared to be a nonnavigable waterway of the United States for purposes of title 46, United States Code, including but not limited to the provisions of such title relating to vessel inspection and vessel licensure, and the other maritime laws of the United States.

SEC. 319. MEDICAL CARE CONTRACTING AUTHORITY.

(a) IN GENERAL.—Chapter 17 of title 14, United States Code, is amended by adding at the end the following new section:

"§ 668. Contracts for medical care for retirees, dependents, and survivors: alternative delivery of health care

"(a) The Secretary may contract for the delivery of health care to which covered beneficiaries are entitled under chapter 55 of title 10. The Secretary may enter into a contract under this section with any of the following:

"(1) Health maintenance organizations.

"(2) Preferred provider organizations.

"(3) Individual providers, individual medical facilities, or insurers.

"(4) Consortiums of these providers, facilities, or insurers.

"(b) A contract entered into under this section may provide for the delivery of—

"(1) selected health care services;

"(2) total health care services for selected covered beneficiaries; or

"(3) total health care services for all covered beneficiaries who reside in a geographic area designated by the Secretary.

"(c) The Secretary may prescribe a premium, deductible, copayment, or other change for health care provided under this section.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 17 of title 14, United States Code, is amended by adding at the end the following:

"668. Contracts for medical care for retirees, dependents, and survivors: alternative delivery of health care".

SEC. 320. PURCHASE OF CERTAIN DATA.

15 USC 313 note.

The National Oceanic and Atmospheric Administration is authorized to enter into a contract for the future purchase of atmospheric wind data. Any and all obligations of the Government under such contract shall be contingent upon the following terms:

(1) the data to be purchased must meet technical criteria specified in the contract and must be satisfactory to the National Oceanic and Atmospheric Administration; and

(2) the availability of appropriated funds.

TITLE IV—FALSE DISTRESS REPORTS

SEC. 401. PENALTIES AND LIABILITY FOR MAKING A FALSE DISTRESS REPORT.

Section 88 of title 14, United States Code, is amended by adding at the end the following new subsection:

"(c) An individual who knowingly and willfully communicates a false distress message to the Coast Guard or causes the Coast Guard to attempt to save lives and property when no help is needed is—

"(1) guilty of a class D felony;

"(2) subject to a civil penalty of not more than $5,000; and

"(3) liable for all costs the Coast Guard incurs as a result of the individual's action.".

TITLE V—ADDITIONAL COAST GUARD AUTHORIZATION FOR FISCAL YEAR 1991

SEC. 501. AUTHORIZATION OF APPROPRIATIONS.

103 Stat. 1908.

Section 102 of Public Law 101-225, the Coast Guard Authorization Act of 1989, is amended by adding a new subsection to read as follows:

"(6) ENVIRONMENTAL COMPLIANCE AND RESTORATION.—For environmental compliance and restoration at Coast Guard facilities, $30,000,000.".

TITLE VI—ALEUTIAN TRADE ACT OF 1990

Aleutian Trade Act of 1990.

46 USC 2101 note.

SEC. 601. SHORT TITLE.

This title may be cited as the "Aleutian Trade Act of 1990".

SEC. 602. ALASKA CARGO PROVISIONS.

(a) DEFINITION.—Section 2102 of title 46, United States Code, is amended by—

(1) designating the existing text as subsection (a); and

(2) adding the following new subsection at the end:

"(b) In chapters 33, 45, 51, 81, and 87 of this title, 'Aleutian trade' means the transportation of cargo (including fishery related products) for hire on board a fish tender vessel to or from a place in Alaska West of 153 degrees west longitude and east of 172 degrees East longitude, if that place receives weekly common carrier service by water, to or from a place in the United States (except a place in Alaska).".

(b) INSPECTION PROVISIONS.—Section 3302(c) of title 46, United States Code, is amended by adding at the end the following:

"(3) A fishing, fish processing, or fish tender vessel of not more than 500 gross tons is exempt from section 3301 (1), (6), and (7) of this title if—

"(A) when transporting cargo to or from a place in Alaska—

"(i) that place does not receive weekly common carrier service by water from a place in the United States; or

"(ii) the cargo is of a type not accepted by that common carrier service; or

"(B) in the case of a fish tender vessel, the vessel is not engaged in the Aleutian trade.

"(4) A fish tender vessel is exempt from section 3301 (1), (6), and (7) of this title when engaged in the Aleutian trade if the vessel—

"(A) is not more than 500 gross tons;

"(B) has an incline test performed by a marine surveyor; and

"(C) has written stability instructions posted on board the vessel.".

(c) SAFETY STANDARDS.—

(1) Section 4502 (b) and (c) of title 46, United States Code, is amended to read as follows:

Regulations.

"(b)(1) In addition to the requirements of subsection (a) of this section, the Secretary shall prescribe regulations requiring the installation, maintenance, and use of the equipment in paragraph (2) of this subsection for documented vessels to which this chapter applies that—

"(A) operate beyond the Boundary Line;

"(B) operate with more than 16 individuals on board; or

"(C) in the case of a fish tender vessel, engage in the Aleutian trade.

"(2) The equipment to be required is as follows:

"(A) alerting and locating equipment, including emergency position indicating radio beacons;

"(B) lifeboats or liferafts sufficient to accommodate all individuals on board;

"(C) at least one readily accessible immersion suit for each individual on board that vessel when operating on the waters described in section 3102 of this title;

"(D) radio communications equipment sufficient to effectively communicate with land-based search and rescue facilities;

"(E) navigation equipment, including compasses, radar reflectors, nautical charts, and anchors;

"(F) first aid equipment, including medicine chests; and

"(G) other equipment required to minimize the risk of injury to the crew during vessel operations, if the Secretary determines that a risk of serious injury exists that can be eliminated or mitigated by that equipment.

"(c)(1) In addition to the requirements described in subsections (a) and (b) of this section, the Secretary may prescribe regulations establishing the standards in paragraph (2) of this subsection for vessels to which this chapter applies that—

"(A)(i) were built after December 31, 1988, or undergo a major conversion completed after that date; and

"(ii) operate with more than 16 individuals on board; or

"(B) in the case of a fish tender vessel, engage in the Aleutian trade.

"(2) The standards shall be minimum safety standards, including standards relating to—

"(A) navigation equipment, including radars and fathometers;

"(B) lifesaving equipment, immersion suits, signaling devices, bilge pumps, bilge alarms, life rails, and grab rails;

"(C) fire protection and firefighting equipment, including fire alarms and portable and semiportable fire extinguishing equipment;

"(D) use and installation of insulation material;

"(E) storage methods for flammable or combustible material; and

"(F) fuel, ventilation, and electrical systems.".

(2) Section 4502(f) of title 46, United States Code, is amended to read as follows:

"(f) To ensure compliance with the requirements of this chapter, at least once every 2 years the Secretary shall examine—

"(1) a fish processing vessel; and

"(2) a fish tender vessel engaged in the Aleutian trade.".

(d) LOAD LINES.—Section 5102(b)(5)(B) of title 46, United States Code, is amended to read as follows:

"(B)(i) is not on a foreign voyage; or

"(ii) engaged in the Aleutian trade (except a vessel in that trade assigned a loac line at any time before June 1, 1992).".

(e) MANNING.—

(1) Section 8104 of title 46, United States Code, is amended by adding at the end the following:

"(n)(1) Except as provided in paragraph (2) of this subsection, on a fish tender vessel of not more than 500 gross tons engaged in the

Aleutian trade, the licensed individuals and crewmembers shall be divided, when at sea, into at least 3 watches.

"(2) On a fish tender vessel of not more than 500 gross tons engaged in the Aleutian trade, the licensed individuals and crewmembers shall be divided, when at sea, into at least 2 watches, if the vessel—

"(A) before September 8, 1990, operated in that trade; or

"(B)(i) before September 8, 1990, was purchased to be used in that trade; and

"(ii) before June 1, 1992, entered into service in that trade.".

(2) Section 8702 of title 46, United States Code, is amended as follows:

(A) insubsection (a)(3) by striking "vessel" and substituting "vessel (except a fish tender vessel engaged in the Aleutian trade)";

(B) in subsection (b)(2) by—

(i) striking "50 percent on a vessel permitted under section 8104 of this title to maintain a 2-watch system."; and

(ii) substituting the following:

"50 percent—

"(i) on a vessel permitted under section 8104 of this title to maintain a 2-watch system; or

"(ii) on a fish tender vessel engaged in the Aleutian trade.".

46 USC 7306 note.

(3) For the purposes of chapter 73 of title 46, United States Code, the Secretary of Transportation shall accept the service used by an individual to qualify for an endorsement as able seaman—fishing industry as qualifying service toward an endorsement as an able seaman—

(A) under sections 7307 and 7309 of that title; or

(B) if the service is on board a vessel of at least 100 gross tons, under section 7308 of that title.

46 USC 4502 note.

(f) EFFECTIVE DATES.—This section is effective on the date of enactment of this section except as follows:

(1) The requirements imposed by section 3302(c)(4) (B) and (C) of title 46, United States Code, (as enacted by subsection (b) of this section) is effective 6 months after the date of enactment of this Act.

(2) Before January 1, 1993, section 4502(c) (as amended by subsection (c) of this section) does not apply to a fish tender vessel engaged in the Aleutian trade, if the vessel—

(A)(i) before September 8, 1990, operated in that trade; or

(ii) before September 8, 1990, was purchased to be used in that trade and, before June 1, 1992, entered into service in that trade; and

(B) does not undergo a major conversion.

(3) Before January 1, 2003, a fish tender vessel is exempt from chapter 51 of title 46, United States Code, (as amended by subsection (d) of this section) when engaged in the Aleutian trade, if the vessel—

(A)(i) before September 8, 1990, operated in that trade; or

(ii) before September 8, 1990, was purchased to be used in this trade and, before June 1, 1992, entered into service in that trade;

(B) does not undergo a major conversion; and

(C) did not have a load line assigned at any time before the date of enactment of this Act.

(4) The requirements imposed by section 8702(b)(2) of title 46, United States Code, (as amended by subsection (e)(2)(B) of this section) are effective 1 year after the date of enactment of this Act.

SEC. 603. MISCELLANEOUS TECHNICAL AMENDMENT.

Title 46, United States Code, is amended as follows:

(1) Section 2101(14)(C) is amended by striking "(49 U.S.C. 1803)" and substituting "(49 App. U.S.C. 1803)".

(2) Section 3302(j)(2)(B) is amended by striking "(46 App. U.S.C. 1295(c))" and substituting "(46 App. U.S.C. 1295c)".

(3)(A) Section 4104 is repealed

(B) The chapter analysis for chapter 41 is amended by striking item 4104.

(4) The catch line of section 5114 is amended by striking "officers employees" and substituting "officers and employees".

(5)(A) Section 5115 is repealed.

(B) The chapter analysis for chapter 51 is amended by striking item 5115.

(6) Section 8103(i)(1)(C) is amended by striking "Naturalization" and substituting "Nationality".

(7)(A) Section 8105 is repealed.

(B) The analysis for chapter 81 is amended by striking item 8105.

(8) The chapter analysis is amended by striking items 12113-12116, 12118, and 12121.

(9) Section 12109(b) is amended by striking "aboard such a pleasure vessel" and substituting "on board that recreational vessel".

(10) Sections 12501(b)(2)(A) and 12503(a)(2)(A) are amended to read as follows:

"(A) the owner's social security number or, if that number is not available, other means of identification acceptable to the Secretary; or".

(11) Section 12505 is amended by—

(A) striking subsections (b), (c), (d), and (f); and

(B) redesignating subsection (e) as subsection (b).

(12)(A) Section 14102 is repealed.

(B) The chapter analysis for chapter 141 is amended by striking item 14102.

(13) Section 31308 is amended by striking "(46 App. U.S.C. 1241 et seq.)" and substituting "(46 App. U.S.C. 1271 et seq.)".

TITLE VII—MARITIME ADMINISTRATION AUTHORIZATION

SEC. 701. AUTHORIZATION OF APPROPRIATIONS.

In fiscal year 1991, the following amounts are authorized to be appropriated for the Maritime Administration:

(1) Any amounts necessary to liquidate obligations under operating-differential subsidy contracts for the fiscal year 1991 portion of the total of current contract authority.

(2) $35,690,000 for expenses related to manpower, education, and training, including—

(A) $25,205,000 for maritime training at the Merchant Marine Academy at Kings Point, New York;

(B) $8,872,000 for assistance to the State maritime academies; and

(C) $1,613,000 for manpower and additional training.

(3) $28,095,000 for operating programs.

(4) $7,902,000 for expenses related to national security support capabilities, including—

(A) $6,748,000 for the National Defense Reserve Fleet; and

(B) $1,154,000 for emergency planning operations.

(5) $225,000,000 for the Ready Reserve Force, including—

(A) $49,400,000 for fleet additions, replacements, acquisitions, and upgrading of vessels for the Ready Reserve Force;

(B) $171,600,000 for maintenance and operations programs in support of the Ready Reserve Force; and

(C) $4,000,000 for Ready Reserve Force facilities.

SEC. 702. NATIONAL MARITIME ENHANCEMENT INSTITUTES.

46 USC app. 1121-2.

Section 8(e) of the Act of October 13, 1989 (Public Law 101-115; 103 Stat. 695) is amended to read as follows:

"(e) The Secretary may make awards on an equal matching basis to an institute designated under subsection (a) from amounts appropriated. The aggregate annual amount of the Federal share of the awards shall not exceed $100,000.".

Establishment.

SEC. 703. BOARD OF VISITORS.

Section 1303(h)(1) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1295b(h)(1)), is amended to read as follows:

"(h)(1) A Board of Visitors to the Academy shall be established, for a term of two years commencing at the beginning of each Congress, to visit the Academy annually on a date determined by the Secretary and to make recommendations on the operation of the Academy.".

SEC. 704. SALE OF OBSOLETE VESSELS.

Section 510(i) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1160(i)), is amended to read as follows:

"(i) The Secretary of Transportation is authorized to acquire suitable documented vessels, as defined in section 2101 of title 46, United States Code, with funds in the Vessel Operations Revolving Fund derived from the sale of obsolete vessels in the National Defense Reserve Fleet. For purposes of this subsection, the acquired and obsolete vessels shall be valued at their scrap value in domestic or foreign markets as of the date of the acquisition for or sale from the National Defense Reserve Fleet; except that, in a transaction subject to this section, the value assigned to those vessels will be determined on the same basis, with consideration given to the fair value of the cost of positioning the traded-out vessel to the place of scrapping. All costs incident to the lay-up of the vessel acquired under this subsection may be paid from balances in the Fund. Notwithstanding the provisions of sections 9 and 37 of the Shipping Act, 1916, vessels sold from the National Defense Reserve Fleet under this subsection may be scrapped in approved foreign markets.".

SEC. 705. SHIP SHARING.

46 USC app. 1295c note.

Section 4 of the Act of October 13, 1989 (Public Law 101-115; 103 Stat. 692) is amended—

(1) by inserting "legislative" immediately after "sixty"; and

(2) by adding at the end the following: "The Secretary shall not take any vessel, currently in service as a State academy training vessel, out of service for the purpose of implementing any alternative program, including ship sharing, until or unless the vessel is incapable of being maintained in good repair as required under section 1304(c)(1)(A) of the Merchant Marine Act, 1936. The Secretary shall not implement any program requiring that any State academy share its training vessel with another State academy without having first received the express consent of Congress to do so.".

EC. 706. COAST GUARD EXAMINATION REQUIREMENT.

46 USC app. 1295c note.

Section 3 of the Act of October 13, 1989 (Public Law 101-115; 103 Stat. 692), shall not be effective prior to October 1, 1994.

EC. 707. COMMITMENT AGREEMENTS.

(a) IN GENERAL.—Section 1303(e)(3) of the Merchant Marine Act, 936 (46 App. U.S.C. 1295b(e)(3)), is amended—

(1) by inserting "(A)" immediately after "(3)"; and

(2) by adding at the end the following new subparagraph:

"(B) If the Secretary of Defense is unable or unwilling to order an individual to active duty under subparagraph (A), the Secretary of Transportation—

"(i) may recover from the individual the cost of education provided by the Federal Government; and

"(ii) shall request the Attorney General to begin court proceedings to recover the costs of education if the Secretary decides to seek recovery under clause (i).".

(b) APPLICABILITY.—The amendments made by subsection (a) shall pply to individuals who sign agreements after the date of enactnent of this Act under section 1303(e) of the Merchant Marine Act, 936 (46 App. U.S.C. 1295b(e)).

46 USC app. 1295b note.

EC. 708. NOMINATION AND APPOINTMENT OF CADETS.

Section 1303(b) of the Merchant Marine Act, 1936 (46 App. U.S.C. 295b(b)), is amended—

(1) in paragraph (1)—

(A) by striking "Governor of American Samoa (until a delegate to the House of Representatives from American Samoa takes office)" and inserting in lieu thereof "Delegate from American Samoa";

(B) by striking "any individual who is" and inserting "any individual who is—"

(C) by inserting "or" immediately after "Commission," the last place it appears; and

(D) by striking ", or a resident of American Samoa if the individual is nominated by the Governor of American Samoa";

(2) in paragraph (3)(A)(vi), by striking "Governor of American Samoa (until a delegate to the House of Representatives from American Samoa takes office)" and inserting in lieu thereof "Delegate to the House of Representatives from American Samoa"; and

(3) in paragraph (7)—

(A) in subparagraph (A), by striking "annually", "until September 30, 1995,", and "up to six"; and

(B) in subparagraph (B), by striking "the Secretary shall insure that the Republic of Panama reimburse the Secretary" and inserting in lieu thereof "The Secretary shall be reimbursed".

Merchant Mariner Memorial Act of 1990.

SEC. 709. MERCHANT MARINER MEMORIAL.

(a) SHORT TITLE.—This section may be cited as the "Merchant Mariner Memorial Act of 1990".

(b) VESSEL CONVEYANCE AUTHORITY.—(1) Notwithstanding any other law, the Secretary of Transportation may convey to any group of not less than two and not more than three nonprofit organizations, without consideration, all right, title, and interest of the United States Government in a vessel which—

(A) is in the National Defense Reserve Fleet on the date of enactment of this section;

(B) is of not less than 4,000 displacement tons;

(C) has no usefulness to the Government; and

(D) is scheduled to be scrapped.

Nonprofit organizations.

(2) As a condition of conveying a vessel to a group of nonprofit organizations pursuant to this section, the Secretary shall require that each nonprofit organization in the group—

(A) before the date of that conveyance, enter into an agreement with the other nonprofit organizations in that group which requires—

(i) the sale of the vessel for scrap purposes; and

(ii) the equal division of the proceeds of the sale among the nonprofit organizations in that group;

(B) use its share of those proceeds for the expenses directly related to acquiring land for, designing, berthing, refurbishing, repairing, or constructing a memorial to merchant mariners;

(C) have raised, before the date of enactment of this section, at least $100,000 from non-Federal sources for use for establishing a memorial to merchant mariners; and

(D) agree to any other conditions the Secretary considers appropriate.

(3)(A) A nonprofit organization may apply to the Secretary for a conveyance under this section individually or as a member of a group of nonprofit organizations.

(B) The Secretary shall designate, for purposes of this section, groups of not less than two and not more than three nonprofit organizations which apply individually under this section.

(C) A nonprofit organization may not be a member of more than one group of nonprofit organizations for purposes of this section.

(c) DELIVERY.—The Secretary shall deliver a vessel conveyed under this section to a group of nonprofit organizations—

(1) at a place where the vessel is located on the date of the approval of the conveyance,

(2) in its condition on that date, and

(3) without cost of the Government.

(d) EXPIRATION.—The authority of the Secretary under this section to convey vessels shall expire two years after the date of enactment of this section.

Non-Vessel-Operating Common Carrier Amendments of 1990.

46 USC app. 1701 note.

SEC. 710. NON-VESSEL-OPERATING COMMON CARRIERS.

(a) SHORT TITLE.—This section may be cited as the "Non-Vessel-Operating Common Carrier Amendments of 1990.".

(b) BONDING OF NON-VESSEL-OPERATING COMMON CARRIERS.—The Shipping Act of 1984 (46 App. U.S.C. 1701 et seq.) is amended by adding at the end the following new section:

"SEC. 23. BONDING OF NON-VESSEL-OPERATING COMMON CARRIERS. 46 USC app. 1721.

"(a) BOND.—Each non-vessel-operating common carrier shall furnish to the Commission a bond in a form and an amount determined by the Commission to be satisfactory to insure the financial responsibility of that carrier, but in any event not less than $50,000.

"(b) SURETY.—A bond submitted pursuant to this section shall be issued by a surety company found acceptable by the Secretary of the Treasury.

"(c) CLAIMS AGAINST BOND.—A bond obtained pursuant to this section shall be available to pay any judgment for damages against a non-vessel-operating common carrier arising from its transportation-related activities or order for reparations issued pursuant to section 11 of this Act or any penalty assessed against a non-vessel-operating carrier pursuant to section 13 of this Act.

"(d) RESIDENT AGENT.—A non-vessel-operating common carrier not domiciled in the United States shall designate a resident agent in the United States for receipt of service of judicial and administrative process, including subpoenas.

"(e) TARIFFS.—The Commission may suspend or cancel any or all tariffs of a non-vessel-operating common carrier for failure to maintain the bond required by subsection (a) of this section or to designate an agent as required by subsection (d) of this section or for a violation of section 10(a)(1) of this Act.".

(c) PROHIBITED ACTS.—Section 10(b) of the Shipping Act of 1984 (46 App. U.S.C. 1709(b)) is amended—

(1) by striking "or" at the end of paragraph (13);

(2) by redesignating paragraph (14) and any reference thereto as paragraph (16); and

(3) by inserting immediately after paragraph (13) the following new paragraphs:

"(14) knowingly and willfully accept cargo from or transport cargo for the account of a non-vessel-operating common carrier that does not have a tariff and a bond as required by sections 8 and 23 of this Act;

"(15) knowingly and willfully enter into a service contract with a non-vessel-operating common carrier or in which a non-vessel-operating common carrier is listed as an affiliate that does not have a tariff and a bond as required by sections 8 and 23 of this Act; or".

(d) INTERIM RULES.—The Commission may prescribe interim rules and regulations necessary to carry out the amendments made by this section. 46 USC app. 1721 note.

(e) EFFECTIVE DATE.—This section shall become effective 90 days after the date of its enactment. 46 USC app. 1709 note.

(f) CONFORMING AMENDMENT.—The table of contents in the first section of the Shipping Act of 1984 is amended by adding at the end the following entry:

"Sec. 23. Bonding of non-vessel-operating common carriers.".

SEC. 711. TECHNICAL CORRECTION.

Section 8103 of title 46, United States Code is amended in subsection (i) by striking "Naturalization" and inserting "Nationality".

SEC. 712. MARITIME OIL POLLUTION PREVENTION, RESPONSE, AND CLEAN-UP TRAINING.

Section 1305 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1295d), is amended by adding at the end the following new subsection:

"(c)(1) The Secretary shall assist maritime training institutions approved by the Secretary in establishing a maritime oil pollution prevention, response, and clean-up training program.

"(2) Under the program established under paragraph (1)—

"(A) the Secretary may provide, to maritime training institutions approved by the Secretary, vessels described in paragraph (4), with title free of all liens, subject to the requirements specified under paragraph (3); and

"(B) in return for receipt of such vessels, such institutions shall—

"(i) employ the vessels for the training of students and appropriate maritime industry personnel in oil spill prevention, response, clean-up, and related skills; and

"(ii) make the vessels and qualified students available to appropriate Federal, State, and local oil spill response authorities in the event of a maritime oil spill.

"(3) The requirements referred to in paragraph (2)(A) are as follows:

"(i) any vessel provided under paragraph (2)(A) shall be tendered to the approved maritime training institution at a location determined by the Secretary;

"(ii) no such vessel may be sold, traded, chartered, donated, scrapped, or in any way altered or disposed of without the prior approval of the Secretary;

"(iii) no such vessel may be used in competition with any privately-owned vessel documented under the laws of the United States or any State, unless necessary to carry out the purposes of this subsection;

"(iv) any approved maritime training institution in possession of such a vessel which can no longer utilize the vessel for training purposes shall return the vessel to the Secretary, who shall take possession of the vessel at the training institution and thereafter may dispose of the vessel, or provide the vessel to another approved maritime training institution, as the Secretary determines appropriate; and

"(v) such other requirements or conditions as the Secretary determines appropriate.

"(4) The vessels referred to in paragraph (2)(A) are United States-built offshore supply vessels and United States-built tug/supply vessels in the possession of the Maritime Administration as a result of defaults on loans guaranteed under title XI of this Act.".

Approved November 16, 1990.

LEGISLATIVE HISTORY—H.R. 4009 (S. 2759):

HOUSE REPORTS: No. 101-440 (Comm. on Merchant Marine and Fisheries).
SENATE REPORTS: No. 101-420 accompanying S. 2759 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD, Vol. 136 (1990):
Apr. 3, considered and passed House.
Aug. 4, considered and passed Senate, amended, in lieu of S. 2759.
Oct. 15, House concurred in Senate amendment with an amendment.
Oct. 27, Senate concurred in House amendment with an amendment. House concurred in Senate amendment.

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